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this Memorandum Decision shall not be  
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any court except for the purpose of  
establishing the defense of res judicata,  
collateral estoppel, or the law of the  
case.**

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**IN THE  
COURT OF APPEALS OF INDIANA**

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SAMUEL HOLLAN,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-0602-CR-108
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

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APPEAL FROM THE MARION SUPERIOR COURT  
The Honorable Carol Orbison, Judge  
Cause No. 49G17-0507-CM-114223

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**August 31, 2006**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**BARNES, Judge**

## **Case Summary**

Samuel Hollan appeals his Class A misdemeanor battery conviction. We affirm.

### **Issue**

The sole issue is whether the State presented sufficient evidence to sustain Hollan's battery conviction.

### **Facts**

The facts most favorable to the conviction reveal that on July 2, 2005, around 10:30 p.m., Hollan went to visit Darnell Robbins at her Marion County residence. Hollan and Robbins then walked to Hollan's residence, stopping by the liquor store to purchase a bottle of gin. At Hollan's home, he and Robbins drank liquor and listened to music until around three o'clock the next morning.

Unable to fall asleep, Hollan and Robbins decided at 10:00 a.m. to walk to the liquor store to purchase more alcohol. After reaching the liquor store, they learned that the liquor store was not open. Robbins testified that, while walking back to Hollan's residence, she and Hollan argued about her visiting a friend of Hollan's. She stated that Hollan's "snapped" and hit her in the nose. Tr. p. 21. Mark Busby also testified that, while driving down the street, he witnessed Hollan punch Robbins in the face and called the police. While sitting in the parking lot, he also watched Robbins fight to free herself from Hollan's grasp. Hollan, however, testified that Robbins wanted to go home and that she hit him in the face because he advised her that going home was not a good idea. Hollan also stated that, while Busby was driving by, Busby actually witnessed him attempting to help Robbins out of the ditch they fell into and that he was grabbing her "to

get a hold of her to calm her down, to keep from being hit.” Tr. p. 49. When the police arrived, they took Hollan and Robbins into custody.

On July 3, 2005, Hollan was charged with battery, a Class A misdemeanor, and domestic battery, a Class A misdemeanor, which was later dismissed. On November 16, 2005, Hollan was found guilty. He now appeals.

### **Analysis**

Hollan contends that the State failed to present sufficient evidence to support his conviction. When reviewing a claim of insufficient evidence, we do not reweigh the evidence or assess the credibility of the witnesses. See McCarthy v. State, 749 N.E.2d 528, 537 (Ind. 2001). We look only to the probative evidence supporting the judgment and the reasonable inferences therefrom to determine whether a reasonable trier of fact could conclude the defendant was guilty beyond a reasonable doubt. Jones v. State, 783 N.E.2d 1132, 1139 (Ind. 2003).

Here, Robbins and Busby testified that Hollan punched Robbins in the face. Our supreme court has found that the uncorroborated testimony of a single witness is sufficient to sustain a conviction on appeal. Sekata v. State, 817 N.E.2d 690, 696 (Ind. Ct. App. 2004). It is for the trier of fact to resolve conflicts in the evidence and to decide which witnesses to believe or disbelieve. Id. Here, the trial court believed Robbins’s and Busby’s testimony, rejecting Hollan’s testimony. We defer to the trial court’s credibility determination.

### **Conclusion**

Because it is not the responsibility of this court to reweigh the testimony and evidence presented at the trial court level, we conclude the State presented sufficient evidence to support Hollan's conviction. We affirm.

Affirmed.

SULLIVAN, J., and ROBB, J., concur.